

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIFFORD JAMES SCHUETT,

Defendant.

Case No.: 2:14-cr-364-JAD-GWF

Order
(Docs. 144, 145, 146, 147, 150)

As I explained again to defendant Clifford Schuett during a hearing today, Local Rule 1A 10-6 prohibits a party who is represented by a lawyer from filing motions on his own behalf: “A party who has appeared by attorney cannot while so represented appear or act in the case.” Mr. Schuett—who is represented by counsel—has been reminded of this rule several times. *See* Docs. 28, 38, 54, 58, 85, 91, 141. Since my last reminder, he has personally filed another motion to withdraw his guilty plea, two more requests to postpone his sentencing hearing, another petition for writ of habeas corpus, and objections to Magistrate Judge Leen’s denial of his motion for a bond hearing and petition for writ of habeas corpus. Docs. 144, 145, 146, 147, 150.

I deny without prejudice each of these pro se motions and overrule without prejudice Mr. Schuett’s objections. His motion to withdraw his guilty plea is denied for the additional reason that it is merely a reurging of the same arguments I rejected in denying his previous motion to withdraw his plea, *see* Doc. 116, and I find that reconsideration is not warranted. His requests to postpone his sentencing hearing are also denied for the separate reason that they are moot: I continued the sentencing hearing during today’s hearing based on Mr. Schuett’s requests. *See* min. at 152. Mr. Schuett’s petition for writ of habeas corpus is also denied for the independent reason that this prosecution is not the appropriate venue for seeking habeas relief. I reiterate to Mr. Schuett (*see* Doc. 116) that if he seeks habeas relief, he must do so by filing a petition for writ of habeas corpus in a new action (not within this criminal prosecution matter) after exhausting any administrative procedures.

1 Finally, I again remind Mr. Schuett—as I did today in open court, that **if he believes he**
2 **requires some sort of action from this court, he must consult with his lawyer, Rebecca Levy,**
3 **Esq., who may then file the appropriate motion. I will continue to deny motions he personally**
4 **files (instead of having his lawyer file them) because he has a lawyer who can file appropriate**
5 **motions on his behalf.**

6 Accordingly, IT IS HEREBY ORDERED THAT Defendant Clifford James Schuett's:

- 7 • Motion to withdraw guilty plea **(Doc. 144) is DENIED;**
- 8 • Motions for Postponement of Sentencing **(Docs. 145, 147) are DENIED** as moot;
- 9 • Petition for Writ of Habeas Corpus **(Doc. 146) is DENIED** without prejudice; and
- 10 • Objections to the Magistrate Judge's Order re: Bond Hearing and Petition for Writ of
11 Habeas Corpus **(Doc. 150) are overruled.**

12 DATED February 17, 2015.

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14 JENNIFER A. DORSEY
15 UNITED STATES DISTRICT JUDGE
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